

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-4 and 6-19 and 37-43 are pending, Claims 1, 4, and 6 are amended, Claims 5 and 20-36 are canceled without prejudice or disclaimer, and new Claims 37-43 are added by way of the present amendment. Claims 20-36 are withdrawn. As amended Claims 1, 4, and 6 and new Claims 37-43 are supported by the original claims, no new matter is added.

In the outstanding Office Action, Claims 1, 2, 11, and 13-19 were rejected as anticipated by Bekiaris et al. (U.S. Patent Application Publication No. 20030119307, hereinafter "Bekiaris"); Claims 3-10 and 12 were rejected as being unpatentable over Bekiaris.

Initially, applicants and applicants' representatives thank Primary Examiner Warren for the interview held on October 11, 2005 to discuss the present case. During the interview, differences between the claimed invention and the cited references were discussed in detail, and amendments as submitted herein were discussed to clarify the discussed differences. The Examiner agreed that the amended claims were acceptable for examination, and agreed to reconsider the rejections of record after formal submission of the present amendment.

It is respectfully noted that the Information Disclosure Statement filed April 30, 2004 has not been indicated as considered. A PTO-1449 form having both references initialed as considered is respectfully requested with the next Office Communication.

With regard to the rejection of Claim 1 as anticipated by Bekiaris, that rejection is respectfully traversed.

Amended Claim 1 recites in part, "said amorphous carbon layer having at least one optical property that substantially matches the corresponding optical property of said film stack."

Bekiaris describes a method of forming a dual damascene structure that includes a layer 124 that may be an organic amorphous carbon film.¹ However, there is no discussion in Bekiaris of the optical properties of layer 124, much less that any optical property of layer 124 matches the corresponding optical property of any other part of the described structure. Accordingly, it is respectfully submitted that Bekiaris does not teach or suggest “said amorphous carbon layer having at least one optical property that substantially matches the corresponding optical property of said film stack,” as recited in amended Claim 1.

With respect to original Claim 5, which recited “said amorphous carbon layer is configured to have optical properties that substantially match the optical properties of said film stack,” the outstanding Office Action asserted that this element was not a positive recitation, and thus did not carry patentable weight. During the above-described interview Examiner Warren agreed that amended Claim 1 (and new Claim 37) was acceptable for examination, and thus positively recited the claimed subject matter.

Consequently, Claim 1 (and Claims 2-4 and 6-19 dependent therefrom) is not anticipated by Bekiaris and is patentable thereover.

New Claim 37 recites in part, “said amorphous carbon layer is an anti-reflective layer.”

As discussed above, Bekiaris describes a method of forming a dual damascene structure that includes a layer 124 that may be an organic amorphous carbon film. However, there is no discussion in Bekiaris that layer 124 is an anti-reflective layer. Accordingly, it is respectfully submitted that Bekiaris does not teach or suggest “said amorphous carbon layer is an anti-reflective layer,” as recited in new Claim 37. Consequently, Claim 37 (and Claims 38-43 dependent therefrom) is patentable over Bekiaris.

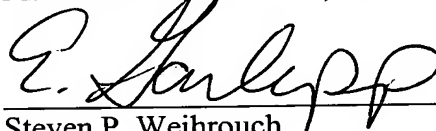
¹See Bekiaris, paragraph 39.

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Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-4, 6-19 and 37-43 patentably distinguishes over the cited art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore respectfully requested.

Respectfully submitted,

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